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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed August 9, 2007. In the Office Action, the Examiner notes that claims 1-19 are pending and rejected.

In view of the following discussion, Applicants submit that all of the claims now pending are in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

35 U.S.C. §103(a) Rejection of Claims 1-19

The Examiner has rejected Claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over Knudson et al. U.S. Patent No. 6,016,141, hereinafter "Knudson" in view of Hendricks et al. U.S. Patent No. 6,201,536, hereinafter "Hendricks." The rejection is respectfully traversed.

Independent claim 1 recites:

1. In an interactive information distribution system containing service provider equipment and subscriber equipment that is interconnected by a communications network, a method of providing a subscription-on-demand service, comprising:
 - providing a set of more than two on-demand programs;
 - packaging the set into a subset having at least two on-demand programs of the set of on-demand programs; and
 - providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access. (Emphasis added.)

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Thus, it is

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impermissible to focus either on the "gist" or "core" of the invention. Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. Knudson and Hendricks, alone or in combination, fail to teach or suggest Applicant's claim 1, as a whole.

Specifically, Knudson fails to teach or suggest at least the providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs and providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access, as recited in independent claim 1.

Knudson discloses an interactive television program guide system with pay program package promotion. Knudson teaches one embodiment of providing a package of premium channels. (See Knudson, col. 5, ll. 52-60.) In an alternative embodiment, Knudson teaches providing a package of pay-per-view programming such as the Olympics. (See Knudson, col. 6, ll. 4-13.)

Notably, none of the programming packages offered by Knudson include on-demand programs, as taught by the Applicants invention. In fact, Knudson teaches that the programs are displayed in a grid of time slots and the method taught by Knudson is activated when a viewer chooses a program from the time slot. (See Knudson, col. 4, ll. 22-37, 58-65; FIG. 2.) Those skilled in the art recognize that on-demand programming is not restrained to assigned time slots. Rather, on-demand programming is available to a viewer at any time upon request. Therefore, Knudson clearly does not teach or suggest providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs and providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access, as recited in independent claim 1.

Moreover, Hendricks fails to bridge the substantial gap between Knudson and Applicants' invention of at least claim 1. Hendricks only teaches a method and system

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for delivering a single video on demand program at a time. (See Hendricks, col. 18, l. 1 – col. 24, l. l. 11). Notably, the operations center is used for packaging television programs and not video-on demand programs. Nowhere in Hendricks does it teach or suggest the providing a set of more than two on-demand programs, packaging the set into a subset having at least two on-demand programs of the set of on-demand programs and providing a user interface having the subset as a selectable object, the user interface configured to allow selection of the selectable object representing the subset of the at least two on-demand programs to be purchased as a package for on-demand access, as recited in independent claim 1.

In addition, the combination of Knudson and Hendricks cannot be meaningfully combined because Hendricks teaches away from Knudson. As discussed above, Knudson teaches packaging premium channels having programming delivered at fixed time slots. (See Knudson, col. 4, ll. 22-37, 58-65; FIG. 2.) In contrast, Hendricks discloses a method and system for delivering a single video on demand program. The Applicants respectfully submit that at the time of Hendricks' invention, video on demand typically comprised paying for a single program in an a la carte fashion, wherein the program could be requested at any time. As a result, using the delivery method of video on demand programming taught by Hendricks to modify Knudson would be contrary to the teachings of Knudson because Knudson teaches packaging premium channels having programming in fixed time slots together.

As such, independent claim 1 is patentable under 35 U.S.C. §103 over Knudson and Hendricks. Claims 2-19 depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, these dependent claims also are patentable over Knudson and Hendricks under 35 U.S.C. §103. Therefore, the Examiner is respectfully requested to withdraw the rejection.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a

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detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

In view of the foregoing, Applicants believe that this application is in condition for allowance. Entry of this response, reconsideration of this application, and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

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Eamon J. Wall, Attorney
Registration No. 39,414

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808